

MSFT 4945  
(MS# 180498.1)  
PATENT

**REMARKS**

Applicants have thoroughly considered the Examiner's remarks and have amended the application in light thereof. Claims 1-53 are presented in the application for further examination. Claims 1, 4, 13, 15, 23, 30, and 40 have been amended by this Amendment E. Also, claims 49-53 have been added by this Amendment E. Reconsideration of the application claims as amended and in view of the following remarks is respectfully requested. The following remarks will follow the sequence of the Office action (the numerals at the beginning of the paragraphs below correspond to the numbered paragraphs of the Office action).

**Response to Claim Rejection under 35 U.S.C. § 103**

1. – 3. Claims 1-48 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gossett Dalton, Jr. et al. (U.S. Patent No. 6,426,955) in view of McMullin (U.S. Patent No. 5,809,128). The Examiner argues that Gossett Dalton, Jr. et al. disclose at column 3, lines 57 to column 4, line 21 an internet telephony call routing engine including POP telephony servers coupled to a telephone network and coupled to a web server via a data network. The Examiner further argues that one skilled in the art would use a user computer having a data connection to a web server as taught by McMullin in Gossett Dalton, Jr. et al.

Claim 1, as amended, now recites a "user computer requesting the web server to initiate the telephonic connection by specifying the first and second telephonic devices and a type of communication between the first and second telephonic devices." Claim 15, as amended, now recites "a user computing device, coupled to the data network, for making a selection of the first and second telephone devices and a type of communication between the first and second telephone devices." Similarly, claim 23 recites a "computing device for making a selection of the first and second telephone devices and a type of communication between the first and second telephone devices." Claim 30 recites a "data command specifying the two or more telephony devices and a type of communication among the two or more telephony devices." Also, claim 40, as amended, now recites "providing by a data command from the user computing device via the data network information associated with the two telephony devices and a type of

MSFT 4945  
(MS# 180498.1)  
PATENT

communication between the two telephony devices to a web server." As described in page 28, lines 13-19 of the present application:

[A] address book 700 contains selection boxes 704 for selecting types of communication to be established with particular users, as well as call initiation buttons 706, 708. That is, a user may select particular individuals to call, using the selection boxes 704, and may initiate the call, either via email 706 or via voice connection 708.

This aspect of the invention relating to *specifying or selecting telephone devices for communication and a type of communication among the specified or selected telephone devices* are recited in each of the independent claims and thus in each of the claims. These recitals are simply not taught or disclosed by either the Gossett Dalton, Jr. et al. reference or the McMullin reference, either separately or in combination.

In addition, Applicants respectfully disagree with the Examiner's argument that McMullin discloses a user computer having a data connection to a web server for initiating the web server to establish a telephonic connection between telephone devices coupled to a telephone network. The McMullin reference discloses methods and apparatus for providing automatic redirection of an incoming voice telephone call from a caller to a subscriber proxy when an attempt by the caller to connect to a telephone link of a public switched telephone network (PSTN) is blocked due to the telephone link being occupied by a subscriber using the telephone link to establish communications between the subscriber's personal computer and a computer network. The subscriber proxy of McMullin is connected to both the PSTN and the computer network and produces audio interaction with the caller. Moreover, the subscriber proxy of McMullin also notifies the subscriber of the incoming call via the subscriber's computer. The subscriber's computer can optionally be used by the subscriber to control and interact with the incoming call by communicating with the computer proxy while the subscriber continues to occupy the telephone link. (*See McMullin, Abstract*).

Even though the subscriber proxy of McMullin notifies the subscriber of the incoming call via the subscriber's computer, it does not *initiate* communications between the caller's telephone and the subscriber's telephone. The McMullin reference, at column 11, lines 3-20, discusses:

MSFT 4945  
(MS# 180498.1)  
PATENT

[T]he subscriber could decide to disconnect the computer from the telephone link to free up the telephone link to receive incoming calls. The subscriber would interact with his or her computer to input this intention to the computer which would forward a message to that effect over the data network or Internet to the proxy as at 516.

....

Upon receipt of such a message, the proxy IVRS would provide an audio message to the caller . . . . Thus the caller would be able to initiate another call to the subscriber. Another more convenient and preferred method of handling the call would be to have the IVRS transfer the call from the caller to the subscriber when the subscriber's line is free. This step can be done by having the IVRS wait a pre-determined time, such as 15 seconds, to allow the subscriber time to disconnect and free up the line to receive the transferred called.

As can be seen, even though the McMullin reference discloses that the proxy IVRS may transfer the call from the caller to the subscriber's telephone when the subscriber frees up the telephone link, it fails to disclose or teach that the proxy IVRS may *initiate* the telephone call. In other words, the McMullin reference merely discloses that the caller may initiate the telephone call and that the proxy IVRS may produce audio interaction with the caller and transfer the telephone call to the subscriber's telephone when the subscriber frees up the telephone line.

In light of the foregoing, independent claims 1, 15, 23, 30, and 40 have been further amended to clarify that the web server of the present invention *initiates* a telephone connection, a voice communication, or a communication between telephone devices. Accordingly, Applicants submit that Gossett Dalton, Jr. et al. in combination with McMullin fail to teach or disclose each and every element of claims 1, 15, 23, 30, and 40. And these claims are believed to be allowable over such art.

Claim 24 recites "*converting streaming audio to and from other computer audio formats.*" Claim 25 recites that "*the other computer audio formats comprise Real Audio format.*" And claim 26 recites that the "*web server comprises text/speech conversion, for converting streaming audio to text format, and for converting text format to streaming audio.*"

MSFT 4945  
(MS# 180498.1)  
PATENT

Applicants submit that Gossett Dalton, Jr. et al. in combination with McMullin fail to teach or disclose each and every element of claims 24-26. Accordingly, claims 24-26 are believed to be allowable over such art. In any case, these claims depend from claim 15 and should be allowable for at least the same reasons that claim 15 is allowable.

Claims 2-14 and 45 depend from claim 1; claims 16-22, 24-29, and 46 depend from claim 15, claims 31-39 and 47 depend from claim 30; and claims 41-44 and 48 depend from claim 40. Accordingly, these claims are believed to be allowable over the prior art for at least the same reasons that claims 1, 15, 30, and 40 are allowable over such art.

Claims 49-52 have been added by this Amendment E to recite that the type of communication comprises one or more of the following: email, voice connection, and telephone conferencing. Applicants submit that Gossett Dalton, Jr. et al. in combination with McMullin fail to teach or disclose each and every element of claims 49-52. Moreover, claims 49-52 depend respectively from claims 1, 15, 23, 30, and 40. Thus, claims 49-52 should be allowable for at least the same reasons that claims 1, 15, 23, 30, and 40 are allowable.

#### **Response to Examiner's Remarks**

4. Applicants respectfully acknowledge the Examiner's response to the arguments submitted in Amendment D filed on February 4, 2004. Applicants have amended the application in light thereof and request favorable reconsideration of the application in view of the foregoing remarks.

#### **Conclusion**

5.-6. It is felt that a full and complete response has been made to the Office action and, as such, places the application in condition for allowance. Such allowance is hereby respectfully requested. If the Examiner feels, for any reason, that a personal interview will expedite the prosecution of this application, he is invited to telephone the undersigned.

MSFT 4945  
(MS# 180498.1)  
PATENT

The Commissioner is hereby authorized to charge the \$90.00 additional claim fees to to Deposit Account No. 19-1345. The Commissioner is further authorized to charge any underpayment and credit any overpayment of government fees to Deposit Account No. 19-1345.

Respectfully submitted,



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